

# CHADDS FORD TOWNSHIP

## Minutes – Board of Supervisors

June 5<sup>th</sup>, 2002

The Supervisors of Chadds Ford Township met in the Township Building on Wednesday, June 5<sup>th</sup>, 2002. The meeting was called to order at 7:50 pm. Present were Jim Shipley, Deborah Love D’Elia and George Thorpe. Also present were Solicitor Donald Petrosa and James C. Kelly of Kelly Engineers, Richard Jensen and Valerie Hoxter.

### **VOTE ON CONDITIONAL USE - GARNET VW PROPOSAL**

Mr. Petrosa suggested a motion in regard to the Garnet VW proposed plan: A motion to approve the Conditional Use Application of Garnet VW subject to conditions 1- 14 set forth in Exhibit A-5 with some revisions 1) No junk cars brought onto the site; 2) No unloading of vehicles or parking of any kind associated with the business, on Rt. 202 or Brandywine Drive; 3) Applicant will erect “No Parking” signs on their property on Rt. 202 and attempt to gain permission from the Henderson group for “No Parking” signs on Brandywine Drive; 4) this approval is for a **new** car dealership with accessory sales of used cars and will also be subject to the testimony and representations made during the course of the Conditional Use Hearing (held on June 5<sup>th</sup>, 2002 prior to this Supervisor’s Meeting) and the plans as enumerated in the testimony, which is in the transcripts of the hearing. The plans are dated 3/4/02 and 3/5/02. *Revisions dates:* Sheet 1, 4, 7, and 9 revised 4/18/02; Sheet 3 revised 3/10/02; Sheet 6 revised 5/9/02; Sheet 8 revised 5/10/02; *Construction Details* revised 5/09/02.

Mr. Shipley moved to adopt the motion. Mr. Thorpe seconded this. Jim Kelly recommended the motion be amended to say the “No Parking” signs must be approved by PennDOT. Mr. Shipley moved that the motion be amended to include this and Mr. Thorpe seconded this. The motion passed unanimously.

A second motion was made by Mr. Shipley to approve the Land Development plan with the same conditions set forth as in the previous motion with the addition that the applicant agrees to abide by any comments from the Delaware County Conservation District. The applicant agreed. Mr. Thorpe seconded and the motion passed unanimously.

## **PUBLIC COMMENT**

Mr. Shipley opened the meeting for public comment from Chadds Ford residents.

Dr. Sabanayagam said he has put his residence at Rt. 1 and Webb Road up for sale. He requested a change in the residential zoning last year so as to convert the house to a Bed and Breakfast. His request was denied. He asked if the new Board of Supervisors feels the property should remain residential. Mr. Shipley suggested that this be put on next month's agenda and discussed.

Samantha Reiner suggested the Board consider ordinances that are proposed for adapting and revising historical structures that are no longer viable as residences.

Jack Tobin stated that he felt the proposed Fire Marshal ordinance was not needed.

Debbie Reardon said she was very concerned that the Township had no fire ordinance. She said she had called communities around us and they all have fire ordinances.

Samantha Reiner agreed with Debbie Reardon and said that Delaware County has no Board of Health and no one is inspecting commercial establishments.

Sig Swensson stated he had serious concerns about the Fire Marshal Ordinance and gave the Supervisors a list of these.

Bonnie Taylor said that insurance companies inspect businesses regularly.

## **STATE POLICE REPORT**

Sergeant Sivo of the Media barracks reported that during the month of May there were 123 incidents that included the following: 20 accidents, 12 - 911 hang-ups, 2 criminal mischief, 3 motor vehicle thefts, 39 false burglar alarms, 1 disorderly conduct, 1 suicide, 5 regular thefts, 1 burglary on Webb Road, 13 requests for assistance.

Sergeant Sivo stated that the State Police enforce drought restrictions.

Bruce Prabel asked if the police would patrol the area around the Rt. 100 bridge closure because kids were congregating there. Sergeant Sivo said they would.

## **APPROVAL OF THE MINUTES**

Mrs. Love D'Elia motioned that the May 1<sup>st</sup>, 2002 meeting minutes, with modifications made by Supervisors, be approved. Mr. Thorpe seconded this and the motion passed unanimously.

## **REPORTS**

### **Supervisors**

Ms. Love D'Elia stated that on May 7<sup>th</sup>, she and Jim Kelly went to DEP to discuss requested revisions of the 537 plan. Earlier this week Ms. Love D'Elia, Mr. Thorpe, Mr. Kelly and Rich Jensen met in Mr. Kelly's office to discuss options for opening the Loop Road.

Mr. Thorpe said on May 23<sup>rd</sup> he, Ms. Love D'Elia, Mr. Shipley and Ms. Hoxter met to discuss the duties of the Secretary/Treasurer. Also he apologized for not thanking the

volunteers who helped pick up trash on Township Clean-up Day.

### **Treasurer**

Total of all funds for May: \$ 841, 724.83. Total of all receipts for May: \$132,634.23. May Bills presented for payment totaled \$48,555.01

Account balances as of May 31, 2002

#### **State Funds**

Checking	284.99
Savings	11.69

#### **Township Funds**

		296.68
Checking	154,370.15	<hr/>
		155,220.5
Savings	850.35	<hr/>
		0

#### **Escrow Fund**

		550,191.2
		<hr/>
		3
		<hr/>
		705,708.4
Total		<hr/>
		1

#### **Certificates of Deposit opened December 12, 2000 - 14 months at 6.5%**

Building Fund	110,824.44
Sewer Fund	7,693.63
Land Trust	10,770.98

#### **Money Market opened December 12, 2000 - 30 days at 6.05%**

Township Fund	6,727.37
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		136,016.4
Total Certificates of Deposit & Money Market		<hr/>
		2

		<b>841,724.8</b>
<b>TOTAL ALL FUNDS</b>		<b>3</b>

Receipts for May 2002

#### **General Fund**

Richard J. Jensen	8,708.75
C. Weigold - tax collection	92,956.81
SEO	4,100.00
Engineering	417.50

Sales of maps and ordinances	597.50
Application fees	500.00
Del Co Treasurer- deed reconcil. 4/02	17,241.63
Del Co Treasurer - tax claim remit 3/02	83.87
District Court - fines	881.13
Road opening permits	40.00
	<hr/>
	125,527.1
Total Receipts - General Fund	<hr/> 9
 <b>Interest - State Fund</b>	 0.81
 <b>Interest - General Fund</b>	 0.00
 <b>Interest - Money Market</b>	 6.23
 <b>Escrow Fund</b>	
Central Sign & Crane - Garnet Ford	700.00
Longview Builders - Heyburn Rd.	5,000.00
Anthony/Sylvan Pools-216 Walnut Rdg-grading permit	700.00
Newlin Homes - Harvey Road grading permit	700.00
	<hr/>
Total Receipts - Escrow Fund	7,100.00
	<hr/>
	<b>132,634.2</b>
<b>TOTAL ALL RECEIPTS</b>	<b>3</b>

May 2002 bills (for payment on June 5, 2002)

**General Fund**

S. Ahlstrom	60.00
Jim Shipley	125.00
D. Love D'Elia	156.25
George Thorpe	125.00
Valerie Hoxter - Secty/Treas May	1,000.00
Valerie Hoxter - addn'l work April & May	860.63
Valerie Hoxter - postage advance for June	50.00
Bruce Prabel - May	75.00
Martin Bros. - lawn & mulching twp bldg	644.00
H.A. Weigand - signs	14.58
	23,248.5
Kelly Engineers	5
Petrikin, Wellman	5,412.00
Chadds Ford Sewer Authority	2,333.33
Chester Water Authority	1,782.00
DelCo Daily Times	503.82
Peco	822.45

Shurgard - July advance	189.74
Verizon	236.49
AT&T	1.78
Rich Jensen - phone	47.26
Rich Jensen - postage reimbursement	30.70
Rich Jensen - May 02	6,975.05
Cable COG - final invoice	902.00
Keystone Digital Imaging- copier maint agree	340.00
Tree Medic	85.00
Brokerage Professionals - Weigold bond	48.00
Suburban Propane - April & May	210.00
Delaware County Today Almanac	46.90
Francis T. Sbandi - Day & Garnet Ford	580.00
JP Morgan Trust Co. - April payt adj	495.00
Reinos - ordinances	1,039.17
Earthlink	17.95
	<hr/>
	48,457.6
Total Bills - General Fund	<hr/> 5
<b>Escrow Fund</b>	
R&B Concrete - Chesterbrook Acad	97.36
Shemin Nurseries	3,500.00
	<hr/>
Total Bills - Escrow Fund	97.36
	<hr/>
	<b>48,555.0</b>
<b>TOTAL ALL BILLS</b>	<b>1</b>

Mr. Shipley asked for a motion to approve payment of this month's bills. Ms. Love D'Elia motioned to approve the bills as presented and Mr. Shipley seconded. Mr. Thorpe abstained. The motion passed.

### **Roadmaster**

Bruce Prabel delivered his report. It is attached.

Mr. Shipley suggested that Mr. Prabel draft a letter to PennDot requesting the light at Rt.1 and Ring Road become a permanent light and the Supervisors would sign the letter.

## **Planning Commission**

Bill Taylor gave the Planning Commission Report for May 29<sup>th</sup>. It is attached.

## **Zoning Hearing Board**

The Zoning Hearing Board met on May 15<sup>th</sup> to rule on a sign variance requested by Garnet Ford. Garnet Ford has a non-conforming sign that they want to replace with another nonconforming sign. The requested sign, compared to the current sign, would decrease in height from 52' to 50' and increase in width from 19'8" to 21'5". The Zoning Hearing Board approved the variance.

## **Sewer Authority**

Jim Murray presented the Sewer Authority report. 634,000 gallons were treated last month. The daily high was 35,600 gallons, the low was 15,000 gallons, and the average per day was 20,428 gallons. The Longwood, Summit, Woodland project is virtually complete. The new sewer rates are published and go into effect on June 15<sup>th</sup>. Private sewer plants in the Township were inspected on May 16<sup>th</sup>. The Sewer Authority is prepared to plan and design a new sewer line on Marshal Road. June 18<sup>th</sup> is the next meeting.

## **Building Inspector/Code Enforcement Officer**

Mr. Jensen reported the issuance of the following permits during May: 4 sign permits, 2 sign permits denied, 1 temporary sign permit, 19 plumbing permits, 1 office alteration, 1 blasting permit, 1 demolition permit, 2 residential alterations, 1 commercial/institutional building permit, 2 new garages, 1 new home, 3 C.O.s for new businesses, 4 C.O.s for completed permits.

## **Engineer**

Mr. Kelly's report follows

CHADDS FORD WOODS (formerly Bancroft  
Homes) BMT 100 Ey-O1

The developer has submitted the first request for release of escrow for this project in the amount of \$84,566.00. We have inspected the site and determined that 90 percent of the value of the work completed for this release is \$76,109.40. Therefore we recommend that a reduction in the amount of the letter of Credit to \$149,050.00, be approved subject to receiving an executed Certificate of Release of Improvement Security Funds pursuant to the requirements of the Improvement Security Agreement.

BUNCH AUCTION HOUSE

BMT 100 Fn

The developer has submitted the third request for release of escrow for this project in *the* amount of \$39,722.80. We have inspected the site and determined that 90 percent of the value of the work completed for this release is \$35,750.52. Therefore we recommend that a reduction in the amount of the Letter of Credit to \$35,500.00, be approved subject to receiving an executed Certificate of Release of Improvement Security Funds pursuant to the requirements of the Improvement Security Agreement.

CONCORDVILLE

NISSAN

BMT 100 Fv

This is a Brandywine Valley Engineers land development plan *for* property in both Concord and Chadds Ford Townships. .

The Planning Commission recommended conditional approval on February 27, 2002 subject to adequate resolution of sewage overflow on property in Chadds Ford Township



within 6 months of the Planning Commission meeting. The plan was approved by the Township at the May meeting subject to satisfactory resolution of the sewerage issue. To date there has not been a satisfactory resolution of the sewage disposal problems. therefore no permits have been issued for the proposed on-lot disposal system. We have

observed some discrepancies in the flow data presented and are requiring that a new submission be made that addresses all of our concerns.

We have advised Concord Township of our concerns and have requested that no building permits be issued until we notify them that the sewerage issues have been adequately addressed and an O+M Agreement be entered into between the Townships and the owner/developer .

GARNET

VOLKSWAGEN

BMT-100-Eg-o2

The plans titled .Preliminary / Final Subdivision Land Development Plans for Garnet Volkswagen. dated March 5, 2002, last revised May 10, 2002 prepared by Brandywine Valley Engineers have been received. These plans satisfy all but one of the. outstanding comments stated in a review letter from our office dated March 27, 2002. To date we have not received any evidence the plan has been reviewed and approved the Delaware County Conservation District.

2002 ROAD PROGRAM

BMT-110-02

The plans and specifications for the 2002 Road Program including the storm drainage system on Woodland Drive are being prepared. The estimate for the entire project, including the

storm drainage, is \$111,300.00.

HEYBURN ROAD

CULVERT

REPLACEMENT

BMT -115-1-01

Final Plans and bid documents have been prepared and submitted to the USACE and PaDEP for the wetlands encroachment permits.

As soon as the permit is received we can proceed with advertisement for bids.

We request that you authorize the Solicitor to prepare easement agreements with the affected property owners so they may be executed before the contract is awarded .

Mr. Thorpe motioned to approve the release of escrow funds for Chadds Ford Woods, formerly Bancroft Homes, in the amount of \$ 76,109.40 and approve a reduction in the amount of the Letter of Credit to \$149,050.00 subject to receiving an executed Certificate of Release of Improvement Security Funds. Ms. Love D'Elia seconded and the motion passed unanimously.

Mr. Thorpe motioned to approve the release of escrow funds for Bunch Auction House in the amount of \$ 35,750.52 and approve a reduction in the amount of the Letter of Credit to \$35,500.00 subject to receiving an executed Certificate of Release of Improvement Security Funds. Ms. Love D'Elia seconded and the motion passed unanimously.

**Solicitor** - No Report

### **Open Space Committee**

Samantha Reiner gave the Open Space Committee report. The Open Space Committee met on May 9th, 2002 with 5 members in attendance. Committee person Hugh Donaghue expects to have a draft of the Land Trust documents for the July meeting. Lois Sauders has taken on the scenic by-ways project with Pennsbury Township. She has written a letter that she would like the Supervisors to put on Township

stationery, sign, and send to Pennsbury Township. Ms. Reiner asked if the Supervisors would approve the expense of mounting some of the Land Trust maps. Rubensteins will mount them for \$30 per map. The Supervisors agreed to pay for the expense of mounting the maps. Ms. Reiner is also going to check into the cost of reducing all the maps and getting them bound. The committee looks forward to the appointment of a new member. The next meeting is July 11<sup>th</sup> at 7:00 pm.

## OLD BUSINESS

### Cavallo Auto Body

James Bergin from Cavallo Auto Body returned regarding his request for a height restriction wavier of one foot for the clock tower he is planning to build. The Supervisors said they were not comfortable waiving the height restriction at this time. They requested Mr. Bergin bring renderings of the clock tower he would like, and renderings of the clock tower within the height restrictions to compare them.

Mr. Bergin also requested a change from the approved stockade fence to a wrought iron fence on the south side of his property. Mr. Shipley moved that Mr. Bergin be allowed to erect a wrought iron fence in lieu of a stockade fence on the south side of his property and on the east side up to the stone wall provided that he would change back to a stockade fence if so requested by the township and secondly that this would apply only while the current applicant is the owner and occupant of the building. The motion was seconded by Ms. Love D'Elia and passed unanimously. Mr. Petrosa was instructed to put this in the form of an agreement for signatures.

### Road Renumbering

Mr. Thorpe reported that all changes to the renumbering plan suggested by the fire company have been made. There are still several things to be resolved including the addresses on Fawn Lane. The final

plan must be sent to the newspaper with an advertisement of the public meeting at least seven days in advance.

## Fire Marshal Ordinance

Mr. Shipley stated that the Township must determine the objectives and purpose of the Fire Marshal Ordinance before moving forward. He asked if there is a problem in the township that needs to be fixed? He does not believe the issue has been discussed enough. He thinks there are many problems with the proposed ordinance.

Ms. Love D'Elia said she did not see the Fire Marshal as a paid position. If there are inspections they would be only commercial and the cost would be paid by the commercial establishment.

Mr. Thorpe said the public assumes that ongoing inspections of commercial buildings are taking place, but this is not the case. He believes this is a safety issue that should be addressed so that the Supervisors can say they've done their duty for basic public safety and welfare.

Resident comments included that the Township should have something in place and the proposed ordinance is unenforceable.

Mr. Shipley moved to table the proposed Fire Marshal Ordinance for further study of the Township needs for fire safety including the possibility of the appointment of a committee with expertise to make recommendations to the Supervisors. Ms. Love D'Elia seconded and the motion passed unanimously.

## Ordinance 64(O)

Mr. Petrosa said that Ordinance 64(O) is an amendment to the Zoning Ordinance that says if our Zoning Ordinance fails to include any other use which we are lawfully required to have and which it would be exclusionary for us not to have, then that use is permitted in the light industrial district. A public hearing on this ordinance will be on July

3<sup>rd</sup> at the next Supervisor's Meeting.

## Proposed Animal Control Ordinance

Mr. Shipley had available, copies of a proposed animal control ordinance, for review by residents. He said it is basically a "fee for service" ordinance. A resident requesting assistance for an animal control problem would pay the fee. He would like comments.

## New Business

### Brandywine Battlefield Task Force Signage Presentation

Kathy Wandersee and Susan Hauser are part of a Delaware County Planning Department task force working with many other organizations including the Pennsylvania Historic and Museum Commission, the National Park Service, PennDot, and the Brandywine Conservancy, to preserve what is left of the Brandywine Battlefield. In 1961, the U.S. Congress designated the Brandywine Battlefield area a National Historic Landmark. The Battlefield covers ten square miles but the Battlefield Park is only 50 acres. The task force has been working for eight years to save more of the Battlefield. The goal of the Signage Task Force is to heighten community awareness. Eleven battlefield signs, funded by a grant, have been designed by Alpha Graphics in Exton. Two of these signs are for Chadds Ford Township, one at Rt. 202 and Rt. 1 and one at Oakland Road near Rt. 202. The task force asked if the Township would pay for the installation of the signs.

Mr. Shipley moved that subject to the Solicitor's approval, that the Township will install the two signs provided by the Brandywine Battlefield Task Force. Mr. Thorpe seconded and the motion passed unanimously.

## Emergency Operations Plan

The Emergency Operation Plan has been revised by Mr. Wenrich. Mr. Shipley moved to adopt Resolution 2002-5 that approves and puts into immediate effect the Emergency Operation Plan of Chadds Ford Township and to issue the promulgation that this plan will supercede the previous Birmingham Township/Chadds Ford Township Delaware County plan developed under a prior resolution. Mr. Thorpe seconded and the motion passed unanimously.

### Open Space Appointment

The appointment of a new member to the Open Space Committee will be postponed until the next meeting to allow for more discussion.

### Audit Results

The auditors have recommended putting in place more audit controls and automating more accounting functions. Ms. Love D'Elia will be meeting with the auditors on June 13<sup>th</sup> for further discussion.

### Secretary's Duties

Mr. Shipley stated that a lot of work needs to be done on the organizing and automating of the Township finances. It appears to some of the Board that the job of Secretary/Treasurer is bigger than what is currently being paid for the job. Ms. Hoxter has been documenting her time to determine how much time is required per activity. Mr. Shipley recommended a separate secretary for the Planning Commission minutes and activities.

Mr. Thorpe recommended doing something on a temporary basis for the time being.

Ms. Love D'Elia said she would like to hire someone to provide more hours at the Township building.

Mr. Shipley moved to hire a separate secretary to attend to the duties of

the Planning Commission, such as to attend meetings, take minutes, and mail out plans. Ms. Love D'Elia seconded this and the motion passed unanimously.

Mr. Shipley suggested that Mr. Thorpe, Ms. Love D'Elia, Mr. Taylor and Ms. Hoxter write job requirements for this position. Mr. Thorpe agreed to chair this committee.

### Escrow Releases

Mr. Thorpe motioned that we return the escrow for Chesterbrook Academy, formerly Carefree, and the escrow for Shemin Nurseries subject to any outstanding bills that may still remain. Ms. Love D'Elia seconded and the motion passed unanimously.

### Adjournment

Mr. Shipley motioned to adjourn the meeting and Ms. Love D'Elia seconded and the motion passed unanimously. The meeting was adjourned at 11:09 pm.